

## **EXHIBIT 1**

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Wednesday, July 1, 2020 at 7:06:06 PM Pacific Daylight Time

**Subject:** FW: Greenspan v. Qazi et al.  
**Date:** Tuesday, June 30, 2020 at 2:04:34 PM Pacific Daylight Time  
**From:** Candace Jackman  
**To:** aaron.greenspan@plainsite.org  
**Attachments:** image001.png, 2020.06.12 Greenspan\_CT Corp.pdf

Aaron,

Please excuse my delayed response; I was informed over the weekend that your emails were not reaching my inbox, as explained in more detail below.

We do contest service as to Tesla. The packet of materials we received is attached. We are entitled to proper service, and it is irrelevant whether you or your process server is to blame for the improper service. We reserve rights on the purported service to Mr. Musk.

Your requests for waiver of service also were not effective. As a result of your frequent, unsolicited, and unsupported emails in the past to Mr. Musk and others at Tesla, Tesla's information security team had team blocked your emails from reaching individual Tesla employees as a nuisance. As a result, neither Mr. Musk, Mr. Prescott, nor I received your prior emails regarding this lawsuit. After reviewing the emails attached to your costs motion, I inquired with our information security team, who informed me of the block, retrieved copies of your recent emails, and forwarded them on for my review. In this circumstance, your email transmissions were not "reliable means" under Rule 4(d)(1)(G), and Tesla and Mr. Musk indisputably have "good cause" as to why your waiver requests were not returned under Rule 4(d)(2). We therefore request that you withdraw your costs motion immediately.

All of this said, our intention is not to play games with service, and had we received your waiver requests, we would have returned them, just as we have done in countless other cases. To avoid further disagreements about service, I would propose that we deem service to have been waived by Mr. Musk and Tesla as of the date you apparently sent the waiver request, May 21, and stipulate that Mr. Musk and Tesla's deadline to respond to the complaint is July 20 (60 days later, per FRCP 4(d)(3)). We also propose to extend the page limits for briefing our response to the Complaint, to 25 pages for our motion, 25 for your opposition, and 15 for our reply (default for Judge Donato is 15, 15, 10). If this is agreeable to you, please let us know by 3p tomorrow, and we will prepare and forward a stipulation for your signature.

We reserve all rights.

Candace Jackman | Associate General Counsel, Litigation  
901 Page Ave., Fremont, CA 94538



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**From:** Aaron Greenspan <[aaron.greenspan@plainsite.org](mailto:aaron.greenspan@plainsite.org)>  
**Sent:** Wednesday, June 24, 2020 1:35 PM  
**To:** Candace Jackman <[cjackman@tesla.com](mailto:cjackman@tesla.com)>  
**Cc:** Al Prescott <[aprescott@tesla.com](mailto:aprescott@tesla.com)>  
**Subject:** Re: Greenspan v. Qazi et al.

Ms. Jackman,

Thank you for your e-mail.

As you know, I did not myself serve Tesla's registered agent in Los Angeles with the papers because A) I am not permitted to effectuate service pursuant to FRCP 4 given that I am a party to the lawsuit; and B) I am not in Los Angeles. I engaged KMS Process Servers ("KMS") to handle Tesla's service of process. If I understand correctly, it appears that you are now alleging that KMS erroneously served the wrong Summons on Tesla's registered agent, or that your registered agent misplaced the correct Summons that it received on your behalf, though you have offered no documentary proof of either possible case.

There are two problems with your contention. The first is that Tesla has been on notice of the lawsuit since May 21, 2020. Via e-mail, below, I provided Tesla's Acting General Counsel, Al Prescott, a link to the full lawsuit documents on-line (including Document 5, part of which is the Summons to Tesla, Inc.) on May 21, 2020, as well as waiver of service documentation pursuant to FRCP 4(d)(1) on the same date. Mr. Prescott, or another authorized representative of Tesla, had thirty (30) days to respond with the signed waiver of service form. No response was received as of June 20, 2020 (thirty days later), even after Mr. Prescott received a polite reminder regarding the lawsuit on June 19, 2020. The second problem for you is that on June 10, 2020, I sent the proper Summons addressed to Tesla, Inc. to KMS to serve. Therefore, any alleged confusion or paperwork mixup on the part of KMS or your registered agent is not my fault.

It is my belief that Tesla was properly served on June 12, 2020, and was actually fully aware of the lawsuit as of May 21, 2020. Accordingly, at present I have no reason to believe that Document 12 contains an error. If you wish to contest these facts, because Tesla failed to respond in a timely fashion (or at all) with a signed waiver of service form, I will be happy to have Tesla re-served on a rush basis—which tends to be more expensive—**at Tesla's expense** pursuant to FRCP 4(d)(2). Alternatively, you can simply accept service as of June 12, 2020.

As for Elon Musk, according to the process server I hired for him, Michelson Attorney Service ("Michelson"), Mr. Musk was personally served at his home yesterday, June 23, 2020, and accepted service while standing in the doorway. I have yet to receive the proof of service document from Michelson but am informed that it should be available tomorrow. Mr. Musk also failed to respond to the waiver e-mails he received on May 21, 2020 and June 19, 2020.

Please let me know by the close of business today how you would like to proceed: by having Tesla pay for needless re-service on Tesla, or by accepting June 12, 2020 as Tesla's formal service date despite the fact that Tesla has been on notice since May 21, 2020.

Regards,

Aaron

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Begin forwarded message:

**From:** Aaron Greenspan <[aaron.greenspan@plainsite.org](mailto:aaron.greenspan@plainsite.org)>  
**Subject: Waiver of Service**  
**Date:** May 21, 2020 at 8:55:56 AM PDT  
**To:** Omar Qazi <[omar@smick.com](mailto:omar@smick.com)>, Elon Musk <[erm@tesla.com](mailto:erm@tesla.com)>, Al Prescott <[aprescott@tesla.com](mailto:aprescott@tesla.com)>

All,

Please see the lawsuit I have filed against you at:

<https://www.plainsite.org/dockets/49sdnba14/california-northern-district-court/greenspan-v-qazi-et-al/>

For the sake of efficiency, let me know if you would be willing to waive formal service of process.

Thank you,

Aaron

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Begin forwarded message:

**From:** Aaron Greenspan <[aaron.greenspan@plainsite.org](mailto:aaron.greenspan@plainsite.org)>  
**Subject:** Waiver of Service Form  
**Date:** May 21, 2020 at 10:00:57 AM PDT  
**To:** Al Prescott <[aprescott@tesla.com](mailto:aprescott@tesla.com)>

May 21, 2020

Al Prescott  
Acting General Counsel  
Tesla, Inc.  
3500 Deer Creek Road  
Palo Alto, CA 94304

Mr. Prescott,

The waiver of service form for the lawsuit filed in the Northern District of California is attached. Since you can return the signed Form AO 399 by e-mail for free, no prepaid means of return is necessary.

Aaron

PlainSite | <https://www.plainsite.org>

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**Duty to Avoid Unnecessary Expenses of Serving a Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

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Begin forwarded message:

**From:** Aaron Greenspan <[aaron.greenspan@plainsite.org](mailto:aaron.greenspan@plainsite.org)>

**Subject: Waiver of Service Form**

**Date:** May 21, 2020 at 10:22:32 AM PDT

**To:** Elon Musk <[erm@tesla.com](mailto:erm@tesla.com)>

**Cc:** Al Prescott <[aprescott@tesla.com](mailto:aprescott@tesla.com)>

May 21, 2020

Elon Musk  
3500 Deer Creek Road  
Palo Alto, CA 94304

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Begin forwarded message:

**From:** Aaron Greenspan <[aaron.greenspan@plainsite.org](mailto:aaron.greenspan@plainsite.org)>

**Subject: Fwd: Waiver of Service Form**

**Date:** June 19, 2020 at 1:52:30 PM PDT

**To:** Elon Musk <[erm@tesla.com](mailto:erm@tesla.com)>

**Cc:** Al Prescott <[aprescott@tesla.com](mailto:aprescott@tesla.com)>

Elon,

A reminder. 30 days from May 21, 2020 is tomorrow. Most recent case documents at <https://www.plainsite.org/dockets/49sdnba14/california-northern-district-court/greenspan-v-qazi-et-al/>.

Aaron

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Palo Alto, CA 94304

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